Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at http://about.jstor.org/participate-jstor/individuals/early-journal-content.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

officers had authority under the premises. *Rutherford v. City of Williamson,* 70 W. Va., 402. So a city can only be liable for torts arising out of changing the grade of a street where the change was not authorized by ordinance. *Gardner v. City of St. Joseph,* 96 Mo. App., 657. But subsequent ratification by a proper body would make the city city liable. *Rutherford v. City, supra.* The law is best summed up as follows: the corporation is not liable for the unauthorized acts of its officers though done *colore officii;* it must further appear that they were expressly authorized to so the acts, or that they were done *bona fide* in pursuance of a general authority to act for the city on the subject to which they relate. *Thayer et al. v. City of Boston,* 19 Pick., 511. And whether a power has been delegated is a question for the jury. *Thayer et al. v. City of Boston, supra.* In the principal case the limitations on the mayor's authority were clearly indicated and the holding is in accord with all the authorities.

NEGLIGENCE—INJURIES TO CHILD OF SERVANT—IMPUTED NEGLIGENCE. —CLOVER CREAMERY CO. v. DIEHL, 63 So. (ALA.), 196.—Defendant maintained on its premises certain machinery which it negligently permitted to be left open and unguarded, although it knew the plaintiff lived upon the premises and was continually playing around the machinery. Plaintiff's father was the manager in charge of defendant's plant. The plaintiff, a three-year-old child, was injured by the machinery while being operated by the defendant's manager. *Held,* the contributory negligence of the father was not available as a defense to an action against the company for injuries to the child.

The doctrine of imputed negligence in this class of cases arose in the leading case of *Hartfield v. Roper,* 21 Wend., 615, which held that a child of such tender years as not to possess sufficient discretion to avoid danger who was permitted to be in a public highway without any one to guard him and is injured by a traveller cannot recover, because of the negligence of his parent, unless the injury was wilful. This doctrine prevails in a few jurisdictions. *Casey v. Smith,* 152 Mass., 294; *Leslie v. Lewiston,* 62 Me., 468; *Hathway v. T. W. & W. R. Co.,* 46 Ind., 25. The contrary doctrine, the one prevailing in the majority of states, was laid down in the leading case of *Robinson v. Stone,* 22 Vt., 213. Other states in accord are *Daley v. N. & W. R. Co.,* 26 Conn., 598; *Bisaillau v. Blood,* 64 N. H., 565. See 21 L. R. A, 77, note, for authorities *pro* and *con.* Some courts hold that the parent's contributory negligence bars a recovery by the child when the parent is present and the child is in his custody. *Ohio & M. R. Co. v. Stratton,* 78 Ill., 88. There is a good deal of authority *contra. Wymore v. Makasha County,* 6 L. R. A. (Iowa), 545, and note. By the great weight of authority the negligence of a parent cannot be imputed to the child. *Cleveland Roll. Mill Co. v. Corrigan,* 46 Ohio St., 283; *Chicago City R. Co. v. Wilcox,* 8 L. R. A. (Ill.), 494. The sounder view is doubtless the one laid down in the principal case, the theory being that the public owes duties to the child as well as to the parent, one of which is to prevent injuries to the child, and when a member of the public has failed in his duty he should be held responsible to the child, regardless of the negligence of the parent in discharging his duty.